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THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES SANFORD,

Plaintiff,

vs.

GMRI, INC. DBA RED LOBSTER, and
DOES 1 through 10,

Defendants.

Case No. CIV.S 04-1535 DFL CMK

STIPULATION TO EXTEND THE
DATE TO TAKE THE DEPOSITION
OF MICKEY BARRETT

The parties hereby stipulate to extend the date to conduct the deposition of defense expert Mickey Barrett. The current date by which all depositions must be completed is August 24, 2005.

Plaintiff's counsel had originally noticed Mr. Barrett's deposition to occur on July 8, 2005. However, due to a death in Mr. Barrett's family, the parties agreed to postpone Mr. Barrett's deposition. Defense counsel agreed to produce Mr. Barrett at a later date.

SANFORD v. RED LOBSTER, et al., Case No. CIV S. 04-1535 DFL CMK
Stipulation to Extend the Date to Take the Deposition of Mickey Barrett

1 Counsel met and conferred to agree upon a mutually convenient date.
2 The deposition of Mickey Barrett was re-noticed for August 4, 2005. The parties
3 are circulating settlement documents. Defense counsel is unavailable for
4 deposition on August 4, 2005, counsel agreed to reschedule Mr. Barrett's
5 deposition.

6 Defense counsel is on vacation from August 15, 2005 through August 23,
7 2005. The earliest date to conduct the deposition is August 26, 2005.

8 Therefore, the parties respectfully request that the discovery cut-off be
9 extended thirty (30) days for the sole purpose of taking the deposition of Mickey
10 Barrett.

11 If Mickey Barrett is not produced for deposition within the thirty (30) days,
12 defendant agrees to withdraw Mr. Barrett as an expert and therefore cannot rely
13 on his opinions, testimony and/or written statements at trial or for the defense of
14 this action.

15 July 29, 2005

LAW OFFICES OF LYNN HUBBARD, III

16
17 /s/ Lynn Hubbard, III
LYNN HUBBARD, III

18
19 July 29, 2005

JEFFER, MANGELS, BUTLER & MARMARO

20
21 Signature on File
MARTIN H. ORLICK

22 IT IS SO ORDERED:

23 That the current discovery cut-off be extended for thirty (30) days to take
24 the deposition of Mickey Barrett. Accordingly, the date to take Mickey Barrett's
25 deposition is extended to September 24, 2005.

26 Dated : August 3, 2005

27 /s/ David F. Levi
JUDGE OF THE DISTRICT COURT